

IN THE HIGH COURT OF HIMACHAL PRADESH  
SHIMLA

**CWP No. 840 of 2006**

**Date of decision: 10<sup>th</sup> May, 2007**

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|-------------------------|---------------|-----------------|
| Nirmal Singh            | <b>Versus</b> | ...Petitioner   |
| State of H P and others |               | ... Respondents |

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*Coram:*

**The Hon'ble Mr.Justice Deepak Gupta,J.**

**The Hon'ble Mr Justice Surinder Singh, J.**

*Whether approved for reporting ?<sup>3</sup>*

**For the Petitioner : Mr Ramakant Sharma, Advocate.**

**For respondents 1 to 3 : Mr Ram Murti Bisht, Deputy  
Advocate General.**

**For respondents No.4 & 5 Mr Ajay Sharma, Advocate.**

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Deepak Gupta, J. (Oral)

The petitioner has filed the present writ petition, challenging the orders of the revenue authorities Annexures P-2 and P-4, passed under the Redemption of Mortgages (Himachal Pradesh) Act, 1971, hereinafter to be referred as "the Act". In the reply, the respondents have taken a specific

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<sup>3</sup> *Whether the reporters of Local Papers may be allowed to see the judgment ?*

plea that the petitioner has already instituted a Civil Suit No.103 of 2006, in respect of the same matter, which is pending adjudication before the Civil Judge (Jr.Division), Barsar, District Hamirpur (HP). Despite the opportunities given to the petitioner to file the rejoinder on two occasions, no rejoinder has been filed. It appears that the petitioner is not in a position to counter the allegations, made in the preliminary submissions of the reply, that he has filed a civil suit. Section 12 of the Act, provides that any party aggrieved by any order passed under Sections 6 to 11 thereof may institute a suit to establish its rights. Since the petitioner has already filed a civil suit, the present writ petition is not maintainable and is accordingly dismissed.

(Deepak Gupta), J.

May 10, 2007  
(D)

(Surinder Singh), J.

